

## 120 CMR: PAROLE BOARD

### 120 CMR 101.00: GENERAL PROVISIONS

#### Section

#### 101.01: Powers and Duties of the Massachusetts Parole Board

#### 101.02: Functions and Duties of the Chair of the Massachusetts Parole Board

#### 101.01: Powers and Duties of the Massachusetts Parole Board

- (1) Members of the Parole Board review, authorize, and promulgate the regulations, policies, and procedures of the agency.
- (2) Members of the Parole Board issue parole permits, where appropriate, authorizing the holder to serve the remainder of the sentence in the community under the supervision of a parole officer, subject to revocation for violation of parole conditions.
  - (a) Parole Board members hold a parole hearing prior to the eligibility date for each inmate subject to its jurisdiction and serving a sentence or sentences of 60 days or more. M.G.L. c. 127, §§ 128, 134.
  - (b) Parole Board members determine which inmates who are subject to their jurisdiction may be released on parole. M.G.L. c. 127, § 130.
  - (c) Parole Board members determine the date of release. M.G.L. c. 27, § 5.
- (3) Parole Board members determine under what conditions inmates may be released from incarceration to the community under parole supervision. M.G.L. c. 27, § 5.
  - (a) Parole Board members specify the terms and conditions of parole in writing. The Massachusetts Parole Board gives the parolee, the State Police, and local police department in the municipality to which the parolee will return a copy of the terms and conditions of parole. M.G.L. c. 27, § 5.
  - (b) Parole Board members may revise, alter, or amend the terms and conditions on which parole permits are granted where there is a change in circumstances during the term of parole. M.G.L. c. 27, § 5.
- (4) The Massachusetts Parole Board supervises all offenders released on parole from a Massachusetts sentence and all offenders paroled by other states and accepted by Massachusetts under the provisions of the Interstate Compact for Supervision of Adult Offenders. M.G.L. c. 27, § 5 and c. 127, § 151A.
  - (a) The Massachusetts Parole Board retains jurisdiction over an offender granted a parole from a Massachusetts sentence until the parole discharge date or until the parolee is returned to penal custody after violation of parole.
  - (b) Parole Board members may permit a parolee to serve the Massachusetts parole term in any other state that is part of the Interstate Compact for Supervision of Adult Offenders with the consent of the other state. M.G.L. c. 127, §§ 151A-C.
- (5) The Massachusetts Parole Board may conduct investigations of offenders it is considering for release on parole and for revocation of parole. M.G.L. c. 27, § 5(b), and M.G.L. c. 127, § 158.
- (6) The Parole Board members may revoke parole status at any time prior to the parole discharge date. Where applicable, the Massachusetts Parole Board notifies CORI certified individuals of such revocation as provided in M.G.L. c. 258B, § 3.
- (7) The Massachusetts Parole Board may issue warrants for the return of a parolee to a correctional facility, jail, or a place of detention. M.G.L. c. 127, §§ 149, 149A and 151I.
- (8) The Parole Board members serve as the Governor's Advisory Board of Pardons on matters of executive clemency. M.G.L. c. 127, § 154.

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- (a) The Massachusetts Parole Board may conduct investigations of offenders it is considering for recommendation for pardon or commutation.
- (b) The Massachusetts Parole Board supervises all offenders granted commutation of sentence by the Governor and Executive Council and placed on parole or where a pardon is granted under parole conditions. M.G.L. c. 27, § 5.
- (c) The Massachusetts Parole Board may order the arrest and detention of any individual granted commutation of sentence by the Governor and Executive Council and placed on parole, or pardoned under parole conditions, for violation of the conditions of such parole or pardon. M.G.L.c. 127, § 155.

(9) The Massachusetts Parole Board may summon witnesses to attend and testify, and to produce books and papers at a hearing on any matter within its authority. M.G.L. c. 233, § 8. The Massachusetts Parole Board may seek an order from a justice of the Supreme Judicial Court or the Superior Court compelling the attendance of a witness who has been so summoned and fails to attend a hearing. M.G.L. c. 233, §§ 9 – 11.

### 101.02 : Functions and Duties of the Chair of the Massachusetts Parole Board

- (1) The Chair directs the assignments of the Parole Board members. M.G.L. c. 27, § 4.
  - (a) The Chair coordinates the work schedules of the Parole Board members and is responsible for assigning cases.
  - (b) The Chair schedules and chairs executive sessions of the Parole Board members.
- (2) The Chair is responsible for formulating the mission and goals of the Massachusetts Parole Board and for implementing plans to achieve those goals.
- (3) The Chair is responsible for the development, implementation, and annual review of Massachusetts Parole Board regulations, policies, and procedures.
- (4) The Chair is the authority for appointing and removing employees of the Massachusetts Parole Board. M.G.L. c. 27, § 4.
- (5) The Chair is responsible for preparation of the Massachusetts Parole Board's budget and shall submit the budget to the Executive Office of Public Safety and Security in accordance with the provisions of M.G.L. c. 29, §§ 3 and 4.
  - (a) The Chair is responsible for authorizing and approving expenditures. M.G.L. c. 29, § 20.
  - (b) The Chair is responsible for preparing and submitting reports of expenditures to the Executive Office of Public Safety and Security. M.G.L. c. 29, §§ 9B, 9D, and 9E.
  - (c) The Chair is responsible for budget modifications. M.G.L. c. 29, § 29.
  - (d) The Chair is responsible for maintaining all financial books and accounts of the Massachusetts Parole Board. M.G.L. c. 30, § 28.
  - (e) The Chair shall permit access for audit and examination of the Massachusetts Parole Board's financial books and accounts by the Department of State Auditor and the Legislative Post Audit Oversight Committee. M.G.L. c. 3, § 64 and M.G.L. c. 11, § 12.
- (6) The Chair, when designated by the Governor as Administrator of the Interstate Compact for Supervision of Adult Offenders, M.G.L. c. 127, § 151A *et seq.*, may promulgate rules and regulations in concert with Administrators of other contracting states to accomplish the terms of the Compact.
  - (a) The Chair may deputize a parole or probation officer of another state to act as an agent of the Commonwealth in returning an individual who is charged with violating the terms and conditions of parole as granted by the Commonwealth. The Chair may enter into a contract with the Administrator of another Compact state to share in the cost of returning an alleged parole violator. M.G.L. c. 127, §§ 151H-J.

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(7) The Chair serves as the official spokesperson for the Massachusetts Parole Board and represents the Massachusetts Parole Board on commissions and boards as required by statute or executive order.

(8) The Chair may delegate such of his or her authority as is necessary to accomplish the objectives of the Massachusetts Parole Board. M.G.L. c. 27, § 5.

## REGULATORY AUTHORITY

120 CMR 101.00: M.G.L. c. 27, §§ 4-7.